REMARKS

Claims 6, 8-11, 13-16, 18-21, 25-26, 28, 32-33, and 35-42 are pending in the present application. Claims 6, 11, and 13-15 have been amended to clarify that which was previously claimed. In addition, Claims 29-31 have been canceled, and new Claims 39-42 have been added. Support for the amendments to the Claims is included in at least paragraphs [0031]-[0039] and [0052]-[0065] of the specification. No new matter has been added. Reconsideration of the pending Claims is respectfully requested in view of the amendments to the Claims and the following remarks.

Telephonic Interview

Applicant thanks the Examiner Yaima Campos and the Examiner's Supervisor Sanjiv Shah, for the courtesies extended to Applicant's representative, Sanders N. Hillis (reg. no. 45,712), during the telephonic interview of October 8, 2008. During the interview, U.S. Patent Publication No. 2004/0015965 to Sparks and U.S. Patent No. 7,080,051 to Crawford were discussed in view of the presently pending claims. No agreement was reached.

Unexamined Claim

Applicant respectfully requests examination on the merits of Claim 18 and the opportunity to fully respond to the examination of Claim 18.

The 35 U.S.C. §103(a) Claim Rejections

Claims 6, 10-11, 25-26 and 35-36 were rejected pursuant to 35 U.S.C. §103(a) as being obvious in view of the combination of U.S. Patent Publication No. 2004/0015965 to Sparks (hereinafter "Sparks") and U.S. Patent No. 7,080,051 to Crawford (hereinafter "Crawford"). Further, Claim 8 was rejected pursuant to 35 U.S.C. §103(a) as obvious in view of the combination of Sparks, Crawford, and U.S. Patent Publication No. 2004/0111443 to Wong et al. (hereinafter "Wong"). Also, Claim 9 was rejected pursuant to 35 U.S.C. §103(a) as being obvious in view of Sparks, Crawford, Wong, and U.S. Patent Publication No. US 2003/0014496 A1 to Spencer et al. (hereinafter "Spencer"). In addition, Claim 29 was rejected pursuant to 35 U.S.C. §103(a) as obvious in view of the combination of Sparks, Crawford, and U.S. Patent Publication No. 2003/0037105 to Yamada et al. (hereinafter "Yamada"). Finally, Claims 13-16, 19-21, 30-33 and 37-38 were rejected pursuant to 35 U.S.C. §103(a) as being obvious in view of the combination of Sparks, Crawford and U.S. Patent Publication No. 2005/0044177 to Liebrand (hereinafter "Liebrand"). Applicant respectfully traverses these rejections since each and every limitation included in amended Claims 6, 8-11, 13-16, 18-21, 25-26, 28, 32-33, and 35-38 are not taught, suggested, or disclosed by the cited references, either alone or in combination.

For example, amended Claim 6 describes that a processor receives said transmitted contents in a first transmitted message and in a separately transmitted second message, said first transmitted message comprising a file that includes storage control information associated with said contents, and said second transmitted message comprising a software program associated with said contents. None of the cited references teach or suggest contents received in a first transmitted message comprising a file that includes storage control information associated with said contents, and a separately transmitted second message comprising a software program.

In addition, Claim 6 describes that the storage control information is indicative that said contents are for trial use and should be stored temporarily, or that the storage control information is indicative that the contents should remain stored in the communication device. Neither Sparks nor Crawford teach or suggest such limitations. On pages 3 and 4 of the office action mailed August 1, 2008, it was apparently asserted that the "demonstration application data" described by Sparks (paragraph [0019]) and the "customer control data" described by Crawford (Col. 47 line 63- Co. 48 line 41) correspond to storage control information. Applicant respectfully traverses these assertions since neither "demonstration application data" or "customer control data" are indicative that contents should be stored temporarily or that contents should remain stored in a communication device.

Instead, Sparks describes that whether contents should be stored temporarily or permanently is determined with a user selection (paragraphs [0026]-[0036]), not on the basis of information associated with contents as described in Claim 6. Crawford does not fill this gap in Sparks since Crawford describes that the storage of data is also based on a user selection in the form of payment of a license fee (Col. 30 line 55 through Col. 31 line 18), not on the basis of information associated with contents as described in Claim 6. Thus, storage control information as described in Claim 6 is not taught or suggested by either Sparks or Crawford, either alone or in combination.

In another example, amended Claim 11 describes code executed as a receiving process to receive contents comprising a first message and a second message, said first message including storage control information of said contents, and said second message being separately transmitted and including a plurality of files. Neither Sparks nor Crawford teach or suggest contents comprising a first message that includes storage control information and a second message including a plurality of files. Moreover, neither Sparks nor Crawford teach or suggest storage control information that indicates contents are for trial use and should be stored temporarily, or indicates that the contents are storable in content storage means composed of nonvolatile memory. Instead, both Sparks and Crawford describe storage based on user inputs as previously discussed.

In still another example, amended Claim 13 describes a processor to receive contents comprising a first message and a second message, said first message received by said processor prior to said second message, said first message comprising storage control information indicative that said contents should be stored temporarily or enduringly. None of Sparks, Crawford or Liebrand teach or suggest receipt of contents comprising a first message and a second message, or that the first message comprises storage control information indicative that the contents should be stored temporarily or enduringly. Instead, Sparks and Crawford both describe storage of data based on user inputs as previously discussed, and Liebrand is silent regarding any form of storage control information. Moreover, none of Sparks, Crawford and/or Liebrand teach or suggest exchange of a first identifier flag for a second identifier flag in accordance with indication with storage control information that the contents can be stored enduringly and in response to a command received from a user as described in Claim 13. Instead, Sparks and Crawford describe storage of data based only on a user command, and Liebrand is silent regarding any form of user command related to content storage.

Amended Claim 14 describes code executed as a receiving process to receive contents comprising two different messages, one message comprising storage control information of said contents and a second message comprising a plurality of files. Sparks, Crawford and/or Liebrand, on the other hand, not only fail to teach or suggest receipt of contents comprising two different messages in which one message
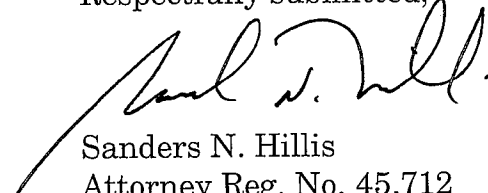
comprises storage control information, and a second message comprises a plurality

of files, but also fail to teach or suggest storage control information that indicates

contents are storable enduringly. Moreover, neither Sparks, Crawford and/or

Liebrand teach or suggest code executed as a second writing process in accordance

with indication of storage control information that said contents are storable

enduringly and in response to a store command received from a user as described in

Claim 14. Instead, Sparks and Crawford describe storage of data based only on a

user command, and Liebrand is silent regarding storage control information and

user commands to store contents.

Amended Claim 15 describes a processor in communication with the memory

wherein the processor receives content from a wireless network, the content

comprising a first message that includes storage control information indicating

whether the content is for trial use, and a second message that includes a software

program. The first message received in advance of the second message, and the

processor determines if the received content is for trial use based on the storage

control information. None of Sparks, Crawford or Liebrand, alone or in

combination teach or suggest such limitations. Instead, the cited references are

wholly silent regarding a first message that includes storage control information

indicating whether content is for trial use and a second message that includes a

software program. Moreover, neither Sparks, Crawford nor Liebrand describe a

determination if received content is for trial use based on storage control

information received in a first message as described in Claim 15.

In view of the amendments to the claims and the previous remarks,

independent Claims 6, 11, 13, 14, and 15, and the claims dependent therefrom are

allowable. Applicant also respectfully asserts that new Claims 39-42 are not taught

or suggested by the cited references. Accordingly, Applicant respectfully requests

withdrawal of the 35 U.S.C. §103(a) rejections of the Claims. In addition, since the

present pending claims of this application are allowable, Applicant respectfully

requests the Examiner to issue a Notice of Allowance for this application. Should

the Examiner deem a telephone conference to be beneficial in expediting

allowance/examination of this application, the Examiner is invited to call the

undersigned attorney at the telephone number listed below.

Respectfully submitted,

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